

House File 2160 - Introduced

HOUSE FILE 2160
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2014)

A BILL FOR

1 An Act relating to assisted reproduction and providing
2 penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.55, Code 2022, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7A. Sexual abuse in the fourth degree in
4 violation of section 709.4A.

5 Sec. 2. Section 692A.102, subsection 1, paragraph c, Code
6 2022, is amended by adding the following new subparagraph:

7 NEW SUBPARAGRAPH. (012) Sexual abuse in the fourth degree
8 in violation of section 709.4A.

9 Sec. 3. NEW SECTION. **709.4A Sexual abuse in the fourth**
10 **degree — health care professionals.**

11 1. A health care professional commits sexual abuse in the
12 fourth degree when the health care professional implants the
13 health care professional's own human reproductive material
14 through assisted reproduction without the patient's prior
15 knowledge and written consent.

16 2. Sexual abuse in the fourth degree is an aggravated
17 misdemeanor.

18 3. For the purposes of this section:

19 *a. "Assisted reproduction"* means a method of causing
20 pregnancy other than sexual intercourse involving medical or
21 scientific intervention.

22 *b. "Gamete"* means a sperm, an egg, or any part of a sperm
23 or an egg.

24 *c. "Health care professional"* means a person who is
25 licensed, certified, or otherwise authorized or permitted
26 by the laws of this state to administer health care in the
27 ordinary course of business or in the practice of a profession.

28 *d. "Human reproductive material"* means a human gamete or a
29 human organism at any stage of development from fertilized ovum
30 to embryo.

31 *e. "Patient"* means a person who has received or is receiving
32 health services from a health care professional.

33 Sec. 4. Section 802.2, Code 2022, is amended to read as
34 follows:

35 **802.2 Sexual abuse — first, second, ~~or~~ third, or fourth**

1 **degree.**

2 1. An information or indictment for sexual abuse in the
3 first, second, ~~or~~ third, or fourth degree committed on or
4 with a person who is under the age of eighteen years may be
5 commenced at any time after the commission of the offense.

6 2. An information or indictment for any other sexual abuse
7 in the first, second, ~~or~~ third, or fourth degree shall be
8 commenced within ten years after its commission, or if the
9 person against whom the information or indictment is sought is
10 identified through the use of a DNA profile, an information or
11 indictment shall be commenced within three years from the date
12 the person is identified by the person's DNA profile, whichever
13 is later.

14 3. As used in this section, "*identified*" means a person's
15 legal name is known and the person has been determined to be
16 the source of the DNA.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 This bill relates to assisted reproduction.

21 The bill creates the crime of sexual abuse in the fourth
22 degree. A health care professional commits sexual abuse in
23 the fourth degree when the health care professional implants
24 the health care professional's own human reproductive material
25 through assisted reproduction without the patient's prior
26 knowledge and written consent. Sexual abuse in the fourth
27 degree is an aggravated misdemeanor. An aggravated misdemeanor
28 is punishable by confinement for no more than two years and
29 a fine of at least \$855 but not more than \$8,540. The bill
30 extends statute of limitations provisions that apply to the
31 commencing of an information or indictment for sexual abuse
32 in the first, second, or third degree to also apply to sexual
33 abuse in the fourth degree as established under the bill.
34 Additionally, a health care professional licensed to practice
35 a profession subject to Code chapter 147 who is guilty of

1 committing sexual abuse in the fourth degree as created in
2 the bill is subject to licensure revocation or suspension, or
3 other licensee discipline by the appropriate board for that
4 profession.